

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Addagatla et al.  
Appl. No.: 10/758,854  
Filed: January 16, 2004  
For: SYSTEM AND METHOD OF  
NETWORK CONGESTION CONTROL  
BY UDP SOURCE THROTTLING

Confirmation No.: 6954  
Art Unit: 2664  
Examiner:



Mail Stop: Duplicates  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE UNDER 37 CFR 1.251**

Sir:

In Response to the Notice Under 37 CFR 1.251, Applicants provide the following statements:

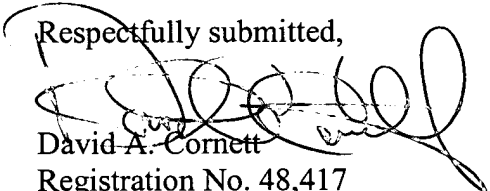
- Applicants filed the identified Application on January 16, 2004;
- Applicants submitted an Information Disclosure Statement (IDS) on Form PTO-1449 on April 15, 2004;
- Said IDS listed and provided five (5) non-patent literature documents:
  - TAI-LIN CHIN, UDP Congestion Control in Wireless Network Using Per-Hop Congestion Notification Queue, [www.ece.wisc.edu/~sensit/presentations/phcnq.ppt](http://www.ece.wisc.edu/~sensit/presentations/phcnq.ppt), March 4, 2003, (19 pgs.);
  - TEEMU JALAVA, Service Routing in 3GPP IP Multimedia Subsystem, [www.cs.columbia.edu/~hgs/papers/2002/3GPP-IMS.ppt](http://www.cs.columbia.edu/~hgs/papers/2002/3GPP-IMS.ppt), March 25, 2003, (16 pgs.);
  - KOHLER/HANDLEY/FLOYD/PADHYE, Datagram Congestion Control Protocol (DCCP), [www.ietf.org/proceedings/03mar/I-D/draft-ietf-dccp-spec-01.txt](http://www.ietf.org/proceedings/03mar/I-D/draft-ietf-dccp-spec-01.txt), March 2, 2003, (pgs. 1-59);
  - The Application Programming Interface: API, [www-net.cs.umass.edu/cs653-1997/notes/ch3/ch3-I.html](http://www-net.cs.umass.edu/cs653-1997/notes/ch3/ch3-I.html), (pgs. 1-4), accessed December 12, 2003; and
  - Exploring the Transport Layer, [www.oreillynet.com/lpt/a/1015](http://www.oreillynet.com/lpt/a/1015), July 13, 2001, (pgs. 1-4), O'Reilly & Associates, Inc.

- Applicants do not understand and have no knowledge of said request for copies of "FOR and NPL(s) dated 08/18/04 are missing. (page Nos. 182, 10, 10, & 10 respectively)" as identified under the NOTICE UNDER 37 CFR 1.251 as attached hereto.

Therefore, Applicants possess no record of the correspondence between the United States Patent and Trademark Office and the applicants for the above-identified application as identified in the attached NOTICE UNDER 37 CFR 1.251. However, Applicants will be glad to provide the Commissioner with a duplicate copy of the Application and/or a duplicate copy of the IDS and the NPLs referenced in the IDS, at the request of the Commissioner.

Applicants request a representative of the USPTO to directly contact Applicant's attorney, named below, at (404) 881-7846 if there are any questions or if copies of certain materials related to said Application are needed.

Respectfully submitted,

  
David A. Cornett  
Registration No. 48,417

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Duplicates; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 15, 2005.



Shana Moore



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

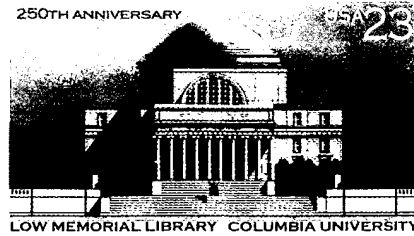
Date Mailed: April 15, 2005  
Atty. Dkt. No. 042933/271712

Application No. 10/758,854; Filing Date January 16, 2004  
Inventor(s): Addagatla et al.; Title of Invention: System and Method of  
Network Congestion Control by UDP Source Throttling

Documents Enclosed: Response to the Notice Under 37 CFR 1.251; postcard

Kindly acknowledge receipt by placing office stamp hereon and  
returning postcard to: **David A. Cornett/shana moore**

**ALSTON & BIRD LLP**



## ALSTON & BIRD LLP

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**NOTICE UNDER 37 CFR 1.251 - Pending Application**

☐ The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

FOR and NPL(s) dated 08/18/04 are missing. (Page Nos. 182, 10, 10, & 10 respectively)

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

**Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).**

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

U.S. Patent and Trademark Office  
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Direct questions concerning this notice to:

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COMMISSIONER FOR PATENTS

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In re Application of: SREENIVAS ADDAGATLA et al.  
Application No.: 10758854  
Filing Date: 01-16-2004  
Title: SYSTEM AND METHOD OF NETWORK CONGESTION CONTROL  
BY UDP SOURCE THROTTLING

Direct to: U.S. Patent and Trademark Office  
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Commissioner for Patents  
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**NOTICE UNDER 37 CFR 1.251 – Pending Application**

**Statement (check the appropriate box):**

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☒ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

April 15, 2005  
Date

[Signature]  
Signature  
David A. Cornett  
Typed or printed name  
USPTO Reg. # 48,417

**A Copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.